WORKMAN | NYDEGGER A PROFESSIONAL CORPORATION
Sterling A. Brennan (Utah State Bar No. 10060; E-mail: sbrennan@wnlaw.com)
David R. Wright (Utah State Bar No. 5164; E-mail: dwright@wnlaw.com)
Kirk R. Harris (Utah State Bar No. 10221; E-mail: kharris@wnlaw.com)
Cara J. Baldwin (Utah State Bar No. 11863; E-mail: cbaldwin@wnlaw.com)
1000 Eagle Gate Tower
60 E. South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

MORRISON & FOERSTER LLP
Michael A. Jacobs, *pro hac vice*
Eric M. Acker, *pro hac vice*
Grant L. Kim, *pro hac vice*
Daniel P. Muino, *pro hac vice*
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

Attorneys for Defendant and Counterclaim-Plaintiff Novell, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a Delaware corporation, Plaintiff, vs. NOVELL, INC., a Delaware corporation, Defendant.	Case No. 2:04CV00139 **JOINT PROPOSED JURY INSTRUCTIONS** Judge Ted Stewart

Pursuant to the Court's January 6, 2010 Amended Scheduling Order, plaintiff The SCO Group, Inc., and defendant Novell, Inc., submit the following jointly proposed jury instructions for use at the upcoming trial. After meeting and conferring, the parties have been unable to reach agreement on certain other instructions, competing versions of which will be submitted separately by each party.

Dated: March 1, 2010

Respectfully submitted,

By: /s/ Sterling A. Brennan

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Counterclaim-Plaintiff Novell, Inc.

JOINT PROPOSED INSTRUCTION NO. 1:

Claims of the Parties

In this case, as I have said, both SCO and Novell have brought claims against each other.

SCO and Novell have each alleged that the other has slandered its title regarding ownership of copyrights over the UNIX and UnixWare computer operating systems.

Slander of title requires you to find that:

(1) there was a publication of a statement disparaging claimant's title,
(2) the statement was false,
(3) the statement was made with malice, and
(4) the statement caused special damages.

I will now explain these four elements in more detail.

AUTHORITY: Court's Memorandum and Decision dated January 28, 2010, at 11 (citing authority).

JOINT PROPOSED INSTRUCTION NO. 2:

Interpretation of Related Contracts

Contracts relating to the same matters, between the same parties, and made as parts of substantially one transaction, are to be taken together.

The contracts need not have been executed on the same day to be parts of substantially one transaction.

AUTHORITY: Court's Memorandum Decision and Order dated August 10, 2007, at 74 (citing authority); Cal. Civ. Code § 1642; *Gen. Cas. Ins. v. Workers' Compensation Appeals Bd.*, 31 Cal. Rptr. 3d 740, 761 (Ct. App. 2005) (citing cases); *Boyd v. Oscar Fisher Co.*, 210 Cal. App. 3d 368, 378 (1989) (citing cases); *Baker v. Aubry*, 216 Cal. App. 3d 1259, 1264 (1989); *Shaw v. Regents of the Univ. of Cal.*, 58 Cal. App. 4th 44, 54 (1997) (citing cases).